

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 11th day of May 2006, at 8:00 P.M., and there were

PRESENT: JOHN ABRAHAM, JR. MEMBER

 JAMES PERRY, MEMBER

 RICHARD QUINN, MEMBER

 ARLIE SCHWAN, MEMBER

 ROBERT THILL, MEMBER

 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: WILLIAM MARYNIEWSKI, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 JEFFREY SIMME, BUILDING INSPECTOR

 JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF ULRICH SIGN COMPANY:

THE 1st CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of the adjourned hearing of Ulrich Sign Company, Inc., 250 State Road, Lockport, New York 14094 as agent for Ray Laks Motorsports, 4304 Walden Avenue, Lancaster, New York for one [1] variance for the purpose of erecting a pole sign on premises owned by Ray Laks Motorsports at 4304 Walden Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[3][b] of the Code of the Town of Lancaster. The petitioner's plans call for the pole sign to be constructed with a zero [0] ground clearance.

Chapter 50, Zoning, Section 30F.(2)(c)[3][b] of the Code of the Town of Lancaster requires a minimum ground clearance of eight feet [8']. The petitioner, therefore, requests an eight foot [8'] ground clearance variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying the New York State Department of Transportation and the Erie County Highway Department of the time and place of this public hearing.

Copy of a response from the Erie County Department of Environment and Planning dated April 4, 2006.

PERSONS ADDRESSING THE BOARD

Chris McCaffrey, Ulrich Sign Co., Inc., Agent for Ray Laks Motorsports 250 State Road Lockport, New York 14094	Proponent
---	-----------

IN THE MATTER OF THE PETITION OF ULRICH SIGN COMPANY

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ulrich Sign Company, Inc. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of May 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant could be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought, however the granting of the variance does not impinge on the sight line view of those exiting the driveway.

That the erection of this sign does not contribute to sign pollution.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That photographs submitted to this board by Zoning Board Member Thill have caused this board to conclude that the proposed sign will not be a detriment to public safety.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. PERRY	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

May 11, 2006

PETITION OF ROBERT L. & MARY E. SMITH:

THE 2nd CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Robert L. and Mary E. Smith, 10 Overton Court, Lancaster, New York 14086 for one (1) variance for the purpose of permitting a storage shed to remain as constructed on property located at 10 Overton Court, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster. The height of the accessory structure is sixteen feet, ten inches [16',10"].

Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen feet [16']. The petitioner, therefore, requests a ten inch [10"] height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Mary E. Smith, petitioner
10 Overton Court
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF ROBERT L. & MARY E. SMITH

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. ABRAHAM WHO MOVED ITS
ADOPTION, SECONDED BY MR. LEHRBACH
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Robert L. & Mary E. Smith and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of May 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That the applicant has sought to rectify the situation with the contractor without success.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. PERRY	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

May 11, 2006

PETITION OF FORBES HOMES, INC.:

THE 3rd CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Forbes Homes, Inc., 2635 Millersport Highway, Getzville, New York 14068 for one [1] variance for the purpose of erecting a private residence on property owned by the petitioner at 43 Sawgrass Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(c) of the Code of the Town of Lancaster. The proposed dwelling would result in a thirty foot four inch [30',4"] rear yard set back.

Chapter 50, Zoning, Section 10C.(3)(c) of the Code of the Town of Lancaster requires a thirty five foot [35'] rear yard set back. The petitioner, therefore, requests a four foot eight inch [4',8"] rear yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Timothy J. Morgan, petitioner Forbes Homes 2635 Millersport Highway Getzville, New York 14068	Proponent
--	-----------

Richard Smith, purchaser of lot at 43 Sawgrass Lane Lancaster, New York 14086	Proponent
---	-----------

IN THE MATTER OF THE PETITION OF FORBES HOMES, INC.

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. SCHWAN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Forbes Homes, Inc. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of May 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is not self created and therefore should not preclude the granting of the area variance relief sought.

That the petitioner has documented health conditions which substantiate his need for the requested variance relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. PERRY	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

May 11, 2006

PETITION OF GENESEE ENGINEERING, TANNER LETO, AGENT:

THE 4th CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Genesee Engineering, Tanner Leto, Agent, 4945 Genesee Street, Buffalo, New York 14225 on behalf of B.M.H. Management, Inc., 100 Seneca Street, Buffalo, New York 14203, owner of property located at 4891 Transit Road, Lancaster, New York for two [2] variances for the purpose of erecting a pole sign on property located at 4891 Transit Road, Lancaster, New York 14086.

- A. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[3][e] of the Code of the Town of Lancaster. The total face area of the proposed pole sign is 210.91 square feet.

Chapter 50, Zoning, Section 30F.(2)(c)[3][e] of the Code of the Town of Lancaster limits the face area of a pole sign on the premises to sixty-four [64] square feet. The petitioner, therefore, requests a 146.91 square foot variance of the maximum face area permitted for this proposed pole sign.

- B. A variance from the requirements of Chapter 50, Zoning, Section 30D.(2) of the Code of the Town of Lancaster. The proposed sign will emit product display, patriotic symbols, time, temperature and news.

Chapter 50, Zoning, Section 30D.(2) of the Code of the Town of Lancaster limits the display of such signs to reports of time, temperature, stock market and news. The petitioner, therefore, requests a variance to permit product and/or patriotic symbols to be displayed.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying the Town of Cheektowaga of the time and place of this public hearing.

Copy of a letter notifying the New York State Department of Transportation of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Tanner Leto, agent for B.M.H. Management, Inc.
4945 Genesee Street
Buffalo, New York 14225

Proponent

**IN THE MATTER OF THE PETITION OF GENESEE ENGINEERING, TANNER
LETO, AGENT**

The applicant has withdrawn his petition for a variance.

May 11, 2006

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:50 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: May 11, 2006

